March 28, 2003

SUBMITTED IN TRIPLICATE

Ms. Rebecca Kane
U. S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
MC 2222A
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Re: Notice of Availability of Enforcement and Compliance History Online Web Site for 60-Day Comment Period; 67 Fed. Reg. 70079, November 20, 2002

Dear Madam:

PPG Industries, Inc. ("PPG") is a diversified manufacturer of glass, fiber glass, chemicals and coatings. PPG has numerous facilities in the United States which are subject to Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act compliance. As a Responsible Care® company, PPG is also interested in monitoring and encouraging continuous improvement in environmental performance among those with whom we do business. PPG appreciates the opportunity to comment on this proposal. Pursuant to the Federal Register Notices of November 20, 2002 and January 30, 2003, comments on the ECHO database system are due March 31, 2003.

We strongly support the points made by the American Chemistry Council in their comment submission to this notice, and incorporate those points here by reference. In addition, we provide the following discussion, organized per the specific questions on which EPA sought comment.

1. Does the site provide meaningful and useful information about the compliance and enforcement program?

We appreciate the idea of a snapshot of recent compliance history. What happened 5 or 10 years ago is not particularly germane to current compliance and enforcement, nor for understanding the potential risk posed by a specific operation. The information in many of the core data systems, however, is not time-sensitive, but perpetual. This is particularly true of the Facility Index/Facility Registry. A general search on our company name yielded sites which we have not been in association with for many years. Similarly, we have some facility reports which include "data" for programs where there has been no facility activity for more than 2 years, particularly TRI and RCRA.

The ECHO web site implies there is a relationship between non-compliance and public health risk to the community, but never adequately discusses the issue nor the limitations in how the ECHO data is presented. The web site makes no distinction between administrative violations and pollution violations, nor between a single serious non-compliance or twenty. The site provides no information on facility responses to allegations. Finally, it is not possible from the

web site to determine the status of rectifying the problem versus resolving the penalty. Some examples may illustrate these points.

- The compliance sections for one of our facility reports indicates an ongoing issue for a self-reported air issue that was promptly resolved. The six-quarter span of "non-compliance" reflects the time that was required by the state to assess a penalty, not the time it took the facility to correct the issue nor to pay the penalty once assessed.

- The database is not capable of indicating when an agreement has been reached between a facility and EPA to resolve a dispute; particularly, the database will show a facility in "violation", even when terms and schedules of an agreement are being met. We believe this can present a misleading view to the public.

- We are aware of two cases where the database showed "non-compliance" for the entire period, and for which the facility was as yet unaware of the specific allegations. In one case, the first official communication we have had regarding findings from a 1999 EPA inspection arrived three weeks ago, roughly 3 months following initial publication of this information on the ECHO web site. We encountered a similar case with a waste services contractor we were reviewing. Information was published on the web site, but the facility was unaware of the details of the allegations. When inquiries were made, the state enforcement agency refused to speak with us, referring us only to the State Attorney General. Worldwide broadcast of such information prior to any enforcement action being taken seems highly irregular and inappropriate.

Finally, search results that say only "no data", "never inspected", "0", "no information" are not useful, and should not appear as search results. Particularly in light of the known data problems (state entries missing or not made in a timely manner), "null" results should be reported only as a string message indicating that no data is available from the state agency.

2. Is the site easy to navigate?

The layout of the site is not particularly difficult to navigate, until you get into the screens explaining what the data is and what it means. These are voluminous and somewhat circular, and we found it easy to get lost. There seems to be something of a disconnect between the reams and reams of information that EPA believes are required to explain the site and the concept of "user friendly". We would have found it more helpful to have links to the explanatory information from the facility data report itself, and in smaller pieces so you could read both the report and the explanatory information on the same screen.

3. Does the help text adequately explain the data?

There are 54 printed pages of information trying to explain the site, the data, known problems, links to the source data, acronyms, Questions and Answers, how to search, how to interpret results, terminology, etc. Nothing in the documentation, however, really helps the user assess the validity of the specific piece of information they are looking at – it simply cautions that the data may or may not be up-to-date and accurate, depending on many things.

From reading the comments in the "Reading Room" at the web site, it seemed quite obvious that many, many users of the site DID NOT, in fact, understand the limitations of the data sets, or even which data sets they were looking at. Consequently, we have to conclude that the help text did not adequately explain the data; we doubt that any help text could adequately explain this much variability and uncertainty.

4. What additional features, content, and/or modifications would improve the site?

This is a derivative database which has selected out only the highest level summary information *from an enforcement program perspective* without providing the detailed information already available in the core data systems, that would allow a user to understand the nature of the allegations, responses from the facility, negotiations, compliance and consent order agreements, etc. Our accurate understanding of the environmental and public health risk depends very much on what the non-compliance was – was it related to a release of pollutants, or only to a paperwork failure? It matters, and this web site entirely fails to distinguish between the two. Even more important to us are the detailed plans for returning to compliance, and the current status report on the facility's progress to come back into compliance.

This project adds little new or fresh information; frankly, the existing data sources, whether managed by governmental, NGO, or commercial groups are more complete in specific detail, easy to use, and understandable. We found no value here that was not already available elsewhere.

5(A). Were your facility reports accurate?

No, our facility reports were not accurate, and the errors span multiple states and regions across the country. There were numerous instances of incorrect facility and contact information, even in cases where we know the correct information has been submitted to state agencies in writing. There were other instances where facilities that we have not owned or operated for years still showed up in search results under our company name; in several cases, every program and permit reference had been correctly changed to the new owner, but we still appear as a "historic alias" in the Facility Index for that site.

Some of our facilities show no release of TRI chemicals even though we have submitted Form Rs every year. For one facility, the CWA information lists BOD_5 as a monitored parameter, though it has not been part of the permit for many years. RCRA inspection dates appear on the web site under "Inspection History" that we cannot verify by our records of regulatory inspections, and there are a few inspections we are aware of that are not included on the web site. In one case, a facility contact name has been listed in the FRS as an "alternative facility name". Discharge monitoring report data does not appear where it has been submitted. In one case, in particular, a DMR submittal is shown in the database for an Agency administrative error. The DMR was submitted on time, as confirmed by signed receipt, but misplaced by the Agency; this was subsequently verified by the inspector. Although the incident is shown as corrected in 8/2000, it was never a violation and should not be shown as such.

Old RCRA Generator IDs are also a problem. There is no easy or uniform procedure for removing these, as the requirement is simply a one-time notification. These associations can linger in the FRS forever, because unlike a permit, they are never refreshed or updated, and they never expire.

5(B). If you did need to submit an online error report, was the error reporting process easy to use?

There are so many errors in so many different data systems, we are finding it a daunting task to even begin fixing them all. Since this is a derivative database, clearly corrective actions will have to be completed at the source to be sustainable. It is not at all clear to us how corrections which we have already provided to state agencies will be handled any differently through this process (data stewards). State agencies are not receiving increased resources to our knowledge, nor do we anticipate any in the near future, given the current economic conditions.

Continuously policing how data (and data corrections) cascade from multiple state systems into this Federal database would be a formidable undertaking on our part, and one we are not currently staffed to do.

We would like to see some prominent indication at the top of the facility report if any of the data presented has been challenged by the facility and is undergoing review. Alternately, data which has been challenged as incorrect should be withheld from being displayed on the web site until the matter is resolved.

Other Comments

MAPPING FUNCTION – We could not get the facility mapping function to operate for one of our facilities. In addition, the two different mapping methods gave substantially different locations for at least one of our facilities; consequently, it is not surprising that the demographic information returned was substantially different. The "Interpolation-Map" methodology accurately located the facility; the "Zip-Code Centroid" method placed the facility some two miles east of it's actual location.

CORRECTION PROCESS – We were surprised to find that anyone can file a correction request. We presume that the facility would of necessity be advised of such a request, since generally they would be the only ones in a position to verify that the information residing in both the underlying database(s) and the ECHO web site matched the original data they submitted to the state agency.